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BAUER'S LIMOUSINE SERVICE, INC.
and GARY BAUER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROGER PORTER, MICHAEL KRAFT, and
BEN ROSS, on their own behalf and on behalf
of all others similarly situated,

Plaintiffs,

v.

BAUER'S LIMOUSINE SERVICE, INC., a
California corporation, and GARY BAUER, an
individual,

Defendants.

Case No. 3:10-CV-01074-JSW

**STIPULATION AND ~~(PROPOSED)~~
ORDER RE: ADR PROCESS**

Complaint Filed: March 12, 2010
First Amended Complaint Filed: April 9, 2010

STIPULATION AND ~~(PROPOSED)~~ ORDER
RE: ADR PROCESS

(NO. 3:10-CV-01074-JSW)

1 The Parties to the above-entitled action jointly submit this Stipulation and [Proposed]
2 Order regarding the alternative dispute resolution ("ADR") process.

3 The parties' counsel (Mr. Lunch, Mr. Hulteng and Mr. Kienitz) met and conferred by
4 telephone on June 7, 2010 to discuss ADR options, the claims and defenses at issue in this case, and
5 the information which each party will need to gather, share, and analyze with respect to the central
6 issues in the case (including the alleged application of the federal Motor Carrier Act exemption [*see*
7 29 U.S.C. § 213(b)(1)] to the overtime requirements of the Fair Labor Standards Act [*see* 29 U.S.C.
8 § 207(a)]). During this initial meet and confer discussion, it became clear that this information,
9 which will largely relate to whether (and, if so, the extent to which) the Named Plaintiffs, Bauer's
10 and/or its drivers other than the Named Plaintiffs are engaged in "interstate commerce" within the
11 meaning of the exemption, will take some time to gather, share, and analyze.

12 For the foregoing reasons, the Parties respectfully submit that it is premature for them
13 to make a decision on whether to select one or more of the available ADR options – although each of
14 the Parties remains open to that possibility. The Parties propose – and hereby request leave of this
15 Court – to work together to exchange information (formally or informally) necessary for the
16 meaningful evaluation of claims and defenses by July 16, 2010, and thereafter, to meet and confer
17 again forthwith regarding ADR possibilities.

18 Accordingly, subject to the approval of this Court, it is hereby stipulated and agreed,
19 by and between the Parties hereto through their respective counsel, that the deadline for the Order
20 Selecting ADR be continued until a date to be determined by the Court on or after July 23, 2010 (the
21 date of the initial case management conference in this matter). Thus, the Parties, through their
22 undersigned counsel, respectfully request that the Court enter this Stipulation as an Order.

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STIPULATION AND [PROPOSED] ORDER
RE: ADR PROCESS

IT IS SO STIPULATED.

Each of the undersigned certify that the content of the foregoing document is acceptable to all persons required to sign the document and authorization to electronically sign this document has been obtained.

Dated: June 14, 2010

Respectfully submitted,

/s/William J. Flynn

WILLIAM J. FLYNN
BENJAMIN K. LUNCH
Attorneys for Plaintiff
ROGER PORTER

Dated: June 14, 2010

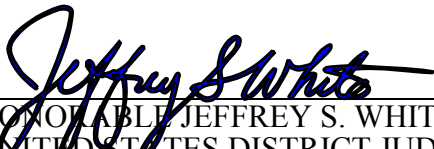
Respectfully submitted,

/s/ Joshua D. Kienitz

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BAUER'S LIMOUSINE SERVICE, INC.
AND GARY BAUER

IT IS SO ORDERED.

Dated: June 15, 2010


HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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